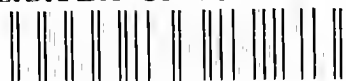


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*A. D. Gilpin*

# SPEECH

OF THE

HON. JOHN Q. ADAMS, OF MASSACHUSETTS,

ON THE

RESOLUTION FOR THE APPOINTMENT OF A SELECT COMMITTEE

TO INQUIRE INTO

THE CAUSES OF THE FAILURE

OF THE

FORTIFICATION BILL

AT THE LAST SESSION OF CONGRESS.

DELIVERED JAN. 22, 1836.



WASHINGTON:  
BLAIR & RIVES, PRINTERS.

1836.



## NOTES IN THE CAPITOL.

We never saw more excitement in a deliberative assembly than was manifested in the House of Representatives on Friday, during the speeches of Mr. Adams and Mr. Wise. The vexed question of the Three Million amendment was the irritating subject. The discussion was commenced by Mr. Cambreleng, who commented with great force and indignation upon a statement appearing in a morning paper, the *Telegraph*, condemning his conduct upon that occasion, which Mr. C. pronounced to be false. He concluded by saying that both parties in the House should unite to vindicate that body from the aspersions which had been cast upon it in another. This was pronounced in a marked and emphatic manner, and excited much attention. Mr. Adams immediately rose, and for two hours he kept the House in a state of more complete and thorough excitement than either body has witnessed for many years. He committed himself at once and decisively to hostility with the Senate, taking even a higher ground than had ever been assumed by the partisans of the Administration in condemning that body. He threw without reserve the entire blame of the loss of that memorable bill upon its majority, and in a strain of indignant invective, he denounced the allusion in a late debate to the House, as "insolence," which the first legislative body in the land should not be asked to bear. Against Mr. Webster he was particularly severe, and he seemed to throw his whole soul into his words when—alluding to that gentleman's declaration in a late speech that he would not have voted otherwise had the enemy been battering at the gates of the Capitol—he said "there was but one step beyond such an expression of sentiment, and a most natural step too!—It would be only for a man who could utter such a sentiment, to go himself over to that enemy and help to batter down the Capitol!"

We never saw any thing produce such a strong sensation as these extraordinary words. The Administration members in all parts of the House gave way to a burst of applause, which was instantly reprobated by the Chair. Mr. Polk in the greatest excitement starting to his feet, and violently using his hammer, declaring at the same time "that for the last ten years, and ever since the formation of the Government, there had never been such an instance of disorder and contempt of the rules of the House." A fact in which he was joined by several of the old members crying out, "No, no, never, never!"

Mr. Adams with increased vehemence continued in the same strain for about two hours, and ended by moving for a Committee to enquire into the loss of the bill.

As a specimen of Mr. Adams's power, this remarkable speech was one of the very finest he ever uttered—being distinguished for pointed sarcasm and eloquent invective—and at the same time marked with all the speaker's felicity of language and variety of illustration. His manner was highly animated and impressive, and it was listened to by the House with a degree of high wrought attention, which has never been surpassed on any occasion. It was evident that the whole impulse and feeling of party connection was laid open to its core, and every member seemed fully and nakedly put upon his allegiance.

Mr. Webster was present almost from the commencement of the debate, and the lobby was crowded with Senators and other distinguished individuals. Mr. Webster's presence in the House excited great interest, and many anxious and curious eyes were continually turned to the right hand door where he was seated; but no one who saw that dark brow and deep set eye, but must have felt assured of his abundant power to sustain himself under any aggression.

## SPEECH.

HOUSE OF REPRESENTATIVES, FRIDAY, JANUARY 22, 1836

Mr. CAMERLENG rose and said, Mr. Speaker, I must ask the indulgence of the House for the moment, to notice an attack made on me in one of the morning papers of this city to-day. The Chair said it could only be done by the unanimous consent of the House.

No objection was made; and

Mr. CAMERLENG proceeded: Mr. Speaker, the attack I would not notice, were it not, sir, that it is an attack also upon this House, and involves the question now before the Senate of the United States. That attack is, that the remarks I made upon the three million appropriation bill, at the last session, were not published until after the adjournment of Congress, following it up with the insinuation that the remarks never were made. It is not my purpose, sir, on a question like this, when I have so much higher game, to run a tilt with the editor of the United States Telegraph; I merely notice it to pronounce the statement and the insinuation both false, and to state, that when the opportunity does arrive to discuss this question, there would not only be found one, but more than one member of this House, not only on one side, but on both sides of the House, who will vindicate the proceedings of this House in relation to that bill, from the attacks of the other body.

The SPEAKER said it was not in order to allude to the other body.

Mr. ADAMS asked the consent of the House to submit a resolution in connection with the subject.

The resolution was read for the information of the House, as follows:

*Resolved*, That so much of the message of the President of the United States to Congress at the commencement of the present session, as relates to the failure, at the last session of Congress, of the bill containing the ordinary appropriation for fortifications, be referred to a select committee, with instructions to inquire into, and report to the House, the causes and circumstances of the failure of that bill.

Objection being made, Mr. WILLIAMS moved to suspend the rule of the House to enable the gentleman from Massachusetts to offer his resolution; which motion prevailed—yeas 129, nays 60.

Mr. ADAMS then submitted the foregoing resolution.

Mr. WILLIAMS, of North Carolina, moved to amend the resolution, by giving the select committee power to send for persons and papers.

Mr. J. Q. ADAMS said, that the portion of the President's message which referred to this subject was in these words:

"Much loss and inconvenience have been experienced in consequence of the failure of the bill containing the ordinary appropriations for fortifications, which passed one branch of the National Legislature at the last session, but was lost in the other. This failure was the more regretted, not only because it necessarily interrupted and delayed the progress of a system of national defence, projected immediately after the last war, and since steadily pursued, but also because it contained a contingent appropriation, inserted in accordance with the views of the Executive, in aid of this important object, and other branches of the national defence, some portions of which might have been most usefully applied during the past season. I invite your early attention to that part of the report of the Secretary of War which relates to this subject, and recommend an appropriation sufficiently liberal to accelerate the armanent of the fortifications, agreeably to the proposition submitted by him, and to place our whole Atlantic seaboard in a complete state of defence. A just regard to the permanent interests of the country evidently requires this measure, but there are also other reasons which, at the present juncture, give it peculiar force, and make it my duty to call to the subject your special consideration."

He thought that was all that related to the subject, and he offered the resolution for the appointment of a committee with instructions to enquire and report as to the facts relating to the loss of the three million appropriation bill, principally in consequence of what had taken place in another quarter upon this subject.

The CHAIR reminded the gentleman from Massachusetts, that it was not in order to allude to the Senate.

Mr. A. said he was perfectly well disposed to observe the rules established, and would go no further in reference to what had taken place in the Senate, than the rules would authorize. He said that he had offered the resolution in consequence of what had occurred in another place. He had not said that that place was the Senate of the United States. That was a matter which any gentleman was competent to determine for himself where the place was. He said this because, although perfectly aware that, in point of form, there is a rule, never observed, that no allusion shall be made in debate, in either House, to what is passing in the other; yet, unless allusion to what was going forward in the other branch of the Legislature should be permitted, it would take from him the possibility of stating the real grounds on which he asked a committee of the House. He did not refer nominally to any thing that had taken place in the Senate, but he did refer to what had taken place elsewhere, and he should proceed and have reference to what had occurred in another place, as long as it should be the pleasure of the Speaker or the House to permit him.

The SPEAKER here read the rule which applied to the case, and Mr. ADAMS was about proceeding, when

Mr. MERCER called him to order. The gentleman from Massachusetts had not *nominally* alluded to the Senate, but he had *intentionally*, and was therefore out of order.

The SPEAKER said, that, according to parliamentary usage, the objectionable words must be reduced to writing.

Mr. MERCER declined reducing the words to writing, and withdrew the call to order.

Mr. ADAMS resumed. He would endeavor, as far as was in his ability, to avoid any collision, not only with the letter, but with the spirit of the rules, to which the gentleman from Virginia (Mr. Mercer) had appealed, and would therefore transfer the location of the place where these things had happened, from the Senate of the United States to the office of the National Intelligencer, and would ask the gentleman if he had any objection to that?

Mr. MERCER said he objected to a quibble, with a view of reaching another branch of Congress, contrary to the rules of order.

Mr. ADAMS. In the National Intelligencer, the official printer to the Senate of the United States, there was published a report of proceedings which had taken place in a certain body; and in that newspaper he found charged, not only that the statement in the message of the President of

United States was not true, but that the failure of that bill was not by the Senate of the United States; that it did not fail there, but it failed in another House. Where was that? Was it this House?

It is; that House exists no longer. But it was in this hall; and the which is now here consists, in a great measure, of the identical individuals who composed that House. One hundred and forty members of one House are also members of this House. And in that same National Intelligencer he found the charge, not only that the failure of that bill was the fault of that House, but that it died there, and there its bones were sought. He found it also charged, that in the progress of the passage of that bill, the most violent outrages were committed on the constitution of the United States, by the President and by the House, in conspiracy



together. It was admitted on all hands, that the failure of the bill was occasioned by the introduction of a section into it, appropriating three millions of dollars for the defence of the country: and the President now tells us, that the failure of that appropriation was a subject of great inconvenience to the People of the country. On this subject an issue has been taken in the *National Intelligencer*: and that issue involved not merely the President of the United States, but it involved the House of Representatives. That was an additional reason why he wished for a committee to inquire into the matter. That reason, he hoped, would be sufficient for every member who felt his honor implicated, to call for investigation, and have the subject examined, to show where the failure of that bill was to be charged. He had, he repeated, said, that he considered it the first duty of every branch of Government, to harmonize with the other branches of the Government in doing the business of the People. It was the duty of the members of the House of Representatives to support the President of the United States, and the Executive Government of the country, in every measure appropriately belonging to his high office: and, in like manner, it was equally his duty to support the other branches of the Government: and that this duty was obligatory and reciprocal upon the Senate and President. This he had always considered as the first duty of every person concerned in administering the Government, whether of the Executive or Legislative departments. It was a subsequent duty, that each of these powers was to be a watchman and sentinel over the proceedings of the other. This, between the branches of the Legislature, was a matter of extreme importance, and was scarcely less important, in the relations between both and each of the branches of the Legislature and the President. The appropriation of three millions of dollars for the defence of the country, was inserted in the general fortification bill, by amendment, proposed by the gentleman from New York, (Mr. Cambreleng,) in consequence of a resolution, which had passed unanimously in the House, and by which unanimous vote the House declared that the execution of the treaty of the 11th of July, 1831, with France, should be insisted on. It was well known to every member of the House, and he believed to every person out of the House, that the appropriation of three millions was introduced in consequence of the vote on that resolution the night before. It was well known that the resolution, which finally passed by that vote, had been contested by a debate of several days immediately before its passage, upon grounds that such a resolution would occasion war. If you look, said he, to the journals of the House for the resolution which passed, and to the several resolutions proposed as substitutes for it, you will see that it was admitted with extreme reluctance by many members of the House, that it was ardently and perseveringly contested, and upon the grounds that it would occasion a war. Under these circumstances, although the House were not of opinion that it would give just cause for war, still, how was it possible for a statesman, looking to the interests of our common country, not to see that these reasons so pressed upon the consideration of the House, and, looking to the action of another Government, might have that tendency. The conduct of a foreign Government, to be prevented upon this act of our own, was matter of foresight and conjecture. There was misunderstanding and irritation between our Government and that of France. The members of the House who had resisted the passage of the resolution, intelligent and patriotic men, had urged the House against it, and all the tender sympathies of our nature and

all the sentiments of humanity in our bosoms, had been appealed to, as warnings against that resolution. The image of *war*, in all its terrors, and with all its calamities, had been held up before us to deter the House from the assertion of the nation's rights, and of the nation's honor, contained in that resolution. Conscious that the resolution could not give any just cause of offence, the House did not believe that it would offend or endanger the peace of the country: yet, in deference to the fears of the minority, and as an earnest of their sincerity in the determination to *insist* upon the execution of the treaty, it was deemed fitting that the country should put itself in an attitude of *defence*, to meet the worst possible contingency, and to sustain that resolution which they unanimously passed. These were the grounds upon which that item was introduced on the last day of the session. And why on the last day? Because it was only the night before that the unanimous vote had passed.

In all the debate in the National Intelligencer, to which he had referred, there was no more trace of such a resolution as having passed the House than if it had never existed. No more trace than could be found on the journal of the Senate of what they would do *for the defence of the country*, or to insist upon the execution of the treaty of July. But in that debate in the National Intelligencer, he found a prodigious display of eloquence against the constitutionality of this section appropriating three millions of dollars for the defence of the country, because it had not been recommended by the Executive.

Mr. Mercier again rose to order. He charged that the gentleman was alluding to a debate in the Senate.

The SPEAKER said that the gentleman must reduce the execrable words to writing.

Mr. Mercier reduced to writing and proceeded to read the words which he alleged were used by the gentleman from Massachusetts. He did this, he remarked, with reluctance; but it was for the purpose of preserving that comity and harmony between the two bodies, that the gentleman had referred to, and which he no doubt desired to maintain, that he had felt called upon by a sense of duty to raise the question of order.

The words taken down by Mr. Mercier were read at the Clerk's table, and the SPEAKER inquired of the gentleman from Massachusetts, whether he admitted their correctness?

Mr. ADAMS. The gentleman from Virginia (Mr. Mercer) had expressed great aversion to quibbling.

Mr. PARKER here rose and urged that order should be maintained, as it was impossible to understand what was going on while the members were standing or moving about.

Mr. Mercier said the gentleman from Massachusetts might modify the language which he had reduced to writing.

Mr. ADAMS proceeded to state wherein the gentleman from Virginia had not correctly stated the words which he had used.

Mr. Mercier said the evident *meaning* of the gentleman, in his opinion, authorized the terms which he had employed in reference to the exception he had taken.

Mr. ADAMS said, as he understood the rule, exception must be taken to the *words* of a member, not to any *meaning* which any gentleman might think proper to attach to his words. He entered into a further explanation of the terms which he had employed.

Mr. MERCER expressed his dissatisfaction with the explanation, and he felt bound to persevere in the motion which he had made.

Mr. WISE hoped the gentleman from Massachusetts would be permitted to proceed, whether in order or out of order. If ever there was a case where members should be permitted to speak frankly on both sides, in order that the truth and the whole truth might be elicited, this was one.

After some conversation between the SPEAKER and Messrs. HARRIS, MERCER, and ADAMS, the question was put, and the House decided by a large majority, that the words taken down by Mr. MERCER were not used by Mr. ADAMS.

Mr. WHITTLESEY called for the orders of the day.

The CHAIR decided the motion out of order, the House having suspended all its rules to enable the gentleman from Massachusetts to submit his resolution.

Mr. ADAMS continued. He said his object in offering the resolution was precisely the same, with that which had induced his honorable friend from Virginia to interpose this objection of mere formality against it: namely, to restore harmony between all the departments of the Government, not only between the House and the Senate, but also between both Houses of Congress and the Executive Departments of the Government, for if there ever was a time when harmony, perfect and complete, between the different departments of the Government was necessary, now was the time. The people of the country called for it—the interests of the nation demanded it. Mr. A. said these were his motives for offering the resolution, and he trusted that if the House would indulge him in the appointment of the committee he demanded, that that committee would have it in their power to report that all the charges made against the House were utterly groundless and unfounded, and believing that that would be the result of the investigation, he hoped that it would contribute to restore the harmony which no longer exists between the two branches of the Legislature of the country. The restoration of harmony depended upon the vindication of the honor of the House of Representatives at the last session of Congress: for if that vindication could not be made complete, there was no prospect of any harmony at the present session of Congress: and especially upon that most important subject, our foreign relations—the question of peace or war. The foundation of the resolution offered, was, on his part, entirely defensive: its object was to vindicate the House of Representatives from reflections which were entirely undeserved.

Mr. A. said it was difficult for him to reconnect together the train of thought, after so much interruption, which he had wished to present to the House. He would, however, revert to one or two points which required notice. It was against the introduction of the section appropriating three millions for the defence of the country, that the cry of unconstitutionality against both the Executive and House of Representatives, had been raised. One of the great charges was, that the House of Representatives had inserted that section without recommendation from the President. That was the great offence on which was founded the bursts of indignant eloquence, which would rather see the enemy battering down the walls of the Capitol, than agree to such an appropriation for the defence of the country.

Observe, sir, once more, the terms, the objects, and the condition of that appropriation. It was to be expended, in whole or in part, under the direction of the President of the United States, the Executive head of the

nation, sworn to the faithful execution of the laws: sworn especially and entrusted with the superintendence of all the defences of the country against the ravages of a foreign invader—it was to be expended for the “*military and naval service, including fortifications and ordnance, and increase of the navy.*” These, sir, the natural and appropriate instruments of national defence against a foreign foe, were the sole and exclusive objects of this appropriation—not one dollar of it could have been applied to any other purpose by the President without a violation of his official oath, and of his official trust—not one dollar of it could have been applied by him to any other purposes without making himself liable to impeachment: not by that House of Representatives, but by us, their successors, fresh from the constituent body, the People, yet before that same Senate for his judges, a majority of whom were surely not of his friends: not one dollar of it could he have expended without giving a public account of it to the Representatives of the people and the nation. Nor was this all. Thus confined to specific objects, it was to be expended, not unconditionally, but only in the event that it should be rendered necessary *for the defence of the country*, prior to the then next session of Congress, an interval of nine months, during which no other provision could have been made to defend your soil from a sudden invasion, or to protect your commerce floating upon every sea, from a sweep of a possible royal ordinance of France.

And this is the appropriation following close upon that unanimous vote of two hundred and seventeen members of the House, that the execution of the treaty of 1831, should be maintained and insisted on. *This* is the appropriation so tainted with man-worship, so corrupt, so unconstitutional, that the indignant and patriotic eloquence of the National Intelligencer would sooner see a foreign enemy battering down the walls of the Capitol than agree to it. Sir, for a man uttering such sentiments, there would be but one step more, a natural and easy one to take, and that would be, with the enemy at the walls of the Capitol, to join him in battering them down.

[Here Mr. A. was interrupted by a spontaneous burst of feeling and applause from members on the floor. The SPEAKER immediately called to order. The indiscretion was momentary, and the most respectful silence followed.]

Mr. A. resumed. He hoped he had shown that the section making the appropriation of three millions, was introduced from absolute necessity on the last day of the session, because it was in consequence of the unanimous vote of the day preceding. Was he now to be told that this and the other House must not appropriate money unless by recommendation from the Executive? Why, sir, the Executive has told us now, that that appropriation was perfectly in accordance with his wishes. Yet here the charge is inverted, and unconstitutional conspiracy, and man worship are imputed to this House on account of that appropriation, *because* it was approved and desired by the Executive. Where was the possibility of a *recommendation* from the Executive: of statements from the Departments: of messages between this and the other House, when the resolution of the House had been passed but the day before? That resolution was itself passed in consequence of a communication from the Executive, and in furtherance of the views of that officer. Then why was the charge of man worship made? He would appeal to the House to say, whether he was a worshipper of the present Executive? He had voted for that appropriation, and he glories in the vote. Was he chargeable with man

worship in voting for that appropriation? He had not approved the *special measures* which had been recommended by the Executive at the commencement of that session of Congress. Neither the measure of issuing letters of marque and reprisals, nor the measures of commercial interdict or restriction—neither had the House of Representatives approved them; but the House, and thank God! the People of the country, had done homage to the *spirit* which I had urged to the recommendation, even of those measures which they did not approve. He again repeated, why was it that the House must be charged with man worship and unconstitutional conspiracy, because they passed an appropriation of three millions *for the defence of the country*, at a time when imminent danger of war was urged, as resulting from that very resolution, which but the night before passed by an unanimous vote? Because, forsooth, that appropriation had *not* been called for by the Executive: and yet, because it *was* approved by the Executive.

Sir, there were, at the last session of Congress, three systems of policy to be pursued with regard to our then controversy with France, which had marked the proceedings of the three branches of our Government charged with the duties and the responsibilities of legislation. The system of the President was contained in the recommendations of his annual message. The system of the Senate is disclosed by their resolution unanimously adopted on the 11th of January, 1835, in these words, as appears upon their journals:

*Resolved*, That it is inexpedient at present, to adopt *any* legislative measure in regard to the state of affairs between the United States and France"—

A resolution not only declining to do that which the President had recommended, to vindicate the rights and the honor of the nation, but positively determining to do *nothing*—not even to express a sense of the wrongs which the country was enduring from France.

Such was the system of the Senate. That of the House was neither exactly that which had been recommended by the President, nor yet that of the Senate. It was a subject of long, of anxious, and of ardent deliberation and debate during the last week of the session.

The chairman of the Committee on Foreign Relations had reported three resolutions; as substitutes for which, I had the honor of submitting to the consideration of the House three others. The minority of the Committee on Foreign Relations had presented a report, concluding with a sentence, which, at the suggestion of the chairman of the committee, I adopted as a modification of my first resolution, and which the chairman of the committee consented to take as a substitute for the first reported by him. This sentence, from which, with the general assent of the House, the words "at all hazards" had been withdrawn, was finally moved by me, and every member present, two hundred and seventeen in number, answered, at the call of his name, "ay."

The resolution was in these words:

*Resolved*, That, in the opinion of this House, the treaty with France of the 1<sup>st</sup> of July, 1831, should be maintained, and its execution assisted on."

I then withdrew the second and third of the resolutions which I had proposed.

The second of the resolutions reported by the chairman of the Committee on Foreign Relations was, that the committee should be discharged from the further consideration of so much of the President's message as related to commercial restrictions, or to reprisals on the commerce of France. It was unanimously adopted by the House.

The third resolution reported by the chairman of the committee, was :

*Resolved*, 'That contingent preparation ought to be made, to meet any emergency growing out of our relations with France.'

This was the resolution intended to sustain at once the spirit of the President's recommendations, and the sincerity of the resolution just adopted by the House.

But there was only one day left of existence to the House; and, therefore, no possibility of waiting for a message from the President, for estimates from the War and Navy Departments, or for the slow progress of a bill through all its usual stages in both Houses of Congress. Such proceedings, highly proper for the usual and ordinary expenditures of the year, were not only unnecessary, but would have been, to say the least, useless for an appropriation contingent upon events then uncertain, and the amount necessary for which could not, with any approximation to precision, be estimated or foreseen.

The resolution was laid on the table at the motion of the chairman of the committee, who had reported it, and who then, in my hearing, and in the hearing of all in the House who chose to hear him, gave notice that he should, in its stead, move an additional appropriation in the fortification bill then before the House. Whether he named the sum of three millions as that which he should propose, or not, I do not recollect. He had openly spoken in the House before, as contemplating a *larger* sum: considering the contingent and possible danger against which it was to provide, I thought the sum certainly not too large.

And now, sir, where is all this sea-folding of indignation and horror at an appropriation for specific purposes, *for the defence of the country*, because, forsooth, it had not been recommended by special message from the Executive? Gone, sir! Gone! You shall look for it, and you shall not find it. You shall find no more trace of it, than, in the tales of the National Intelligencer, you shall find of that vote, of two hundred and seventeen ayes, which was the real voucher for the purity and genuine patriotism of that appropriation of three millions, denounced to the world by the eloquent orators of the Senatorial press, as so profligate and corrupt, that an enemy at the gates of this Capitol could not have justified a vote in its favor to arrest his arm, and stay his hand in the act of battering down these walls. You shall find no more trace of it, than upon the journals of the Senate of the last session of Congress, you shall find of sensibility to the wrongs which our country was enduring from France: and if upon those journals, such a trace can be found, it must be to clearer and more searching eyes than mine.

Then why are we told, that nobody knew any thing of the reasons of the House for adopting that amendment to the fortification bill? Nothing passed in the House but what was known in the other portion of the Capitol. Nothing was to be found on the journals of the other body, that would go to sustain the Executive and the country. In another body there were resolutions passed, very explicitly declaring that they would not do what

the Executive recommended but no resolutions were passed, saying what they *would* do. A different course of policy was pursued by the House. It adopted unanimous resolutions, and showed that, although the measures recommended by the President, did not entirely meet their approbation, yet that the rights of the country, and the execution of the treaty were to be insisted on. In another branch of the Capitol, at the same time, it was not known what the House were doing: yet 217 names answering, "yea," stood recorded on the journals of this House. These were the facts, and an impartial history of that bill would show, that there was sufficient and ample cause for the appropriation of three millions. But the three million appropriation was received by the Senate, in a most unfortunate *temper*; and as proof of this, it became absolutely necessary for him to refer to their proceedings. In the first place, the motion for the three million section was submitted in the House, and little objection was made to it. It was perfectly understood by gentlemen on both sides of the House, that it was founded on the vote of the night preceding, and no one, so far as he recollected, objected to it, because there was no recommendation from the Executive. The vote was taken on it by yeas and nays, and it was adopted. One hundred and nine names, (said Mr. Adams,) the first of which, in alphabetical order, was my own, are recorded upon the journals in favor of that amendment, and of those names, seventy-two belong to members of this House: seventy-seven names appear on the journal recorded against the amendment, forty-five of which are of members of this House. The proportion of re-elected members is rather larger of the names in the affirmative, than of those in the negative. But I have said the amendment was received by the Senate in a bad temper - and now for the proof. The resolution, as recorded on the journals of the House, was as follows:

"*And be it, &c.* That the sum of three millions of dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended, in whole or in part, under the direction of the President of the United States, for the military and naval service, including fortifications and ordnance, and for the support of the navy: Provided, such expenditure should be rendered necessary, in the declaration of the emergency, prior to the next meeting of Congress."

Observe what were the purposes of the appropriation. Was the House wasting and squandering the public money when it made that appropriation? No, sir. Shall it be said that the appropriation, if made, must have been wasted? When an enemy is at the walls of the Capitol, it will be but a sorry objection to make that you have no confidence in the man at the head of the Government. He hoped that the matter might be fully exposed: and whatever might be his relations with the head of the Government, he did not think that that vote would be charged to man worship. Upon that resolution 139 names were recorded in the affirmative: and were these 139 members to be charged with being man worshippers and conspirators against the constitution of their country? Among these names were several, if they were capable of any thing like man worship, which he did not believe, the object of whose worship would be some other than the present tenant of the White House: even the very men who now made these charges against them. He said that the section was received in bad temper by the Senate: they immediately disagreed to the amendment, it was said, with but little debate, and sent their disagreement down to the House.

He recollected that the present Speaker, who was then Chairman of the Committee of Ways and Means, did him the honor to ask him what we should do, and he, (Mr. A.) said he should vote to recede from the appropriation, because, from the temper of the Senate, it was evident, if that course was not pursued, the whole bill would be lost. Mr. A. said he did accordingly vote to recede, but it was not to recall the vote he had before given; it was solely because he believed that if the House did not recede, the whole bill would be lost. As the object of the bill was for the ordinary appropriations for fortifications, he was unwilling to lose it, and therefore gave up the three million appropriation to save the remainder of the bill. But it was not the sense of the House to recede, and the vote to recede stood 87 to 110; the sense of the House was strong, it was earnest, but it was respectful. How was it with the Senate? The next communication which the House received from it was, that the Senate had *adhered* to their disagreement. In the intercourse between the two Houses, every person knew that adhering was the very last resort—that it scarcely ever was resorted to except as a *challenge of defiance* to the other House. What are its consequences? They are always to hazard the loss of the whole bill; if the other House adhere, the bill is lost. The Senate said, take back your appropriation, or lose your bill—and that at the earliest stage at which they could pass such a vote. It was well known to every man that the vote to adhere never passes between the two Houses in good temper. It was always considered as a challenge: “lose your bill, or agree to what we think will be right.” Mr. A. here read the following extract from Jefferson’s Manual, in support of his views:

“When either House sends a bill to the other, the other may pass it with amendment. The regular progression in this case is: the Commons disagree to the amendment; the Lords insist upon it; the Commons insist on their disagreement; the Lords adhere to their amendment; the Commons adhere to their disagreement. The term of insisting may be repeated as often as they choose, to keep the question open; but the first adherence by either renders it necessary for the other side to recede or adhere also, when the matter is usually suffered to fall. The term of *insisting* was certainly (in 1679) a happy innovation, as it multiplies the opportunities of trying modifications which may bring the Houses to a concurrence. Either House, however, is free to pass over the term of insisting, and to *adhere* in the first instance, BUT IT IS NOT RESPECTFUL TO THE OTHER.”

Mr. A. said, he doubted whether in the whole intercourse between the two Houses of Congress an adherence was ever before resorted to at so early a stage of a difference between them. He was sure there never had been such an instance unless at a time of bad temper between the Houses. It was a special disposition to cast odium upon the House, a special bravado, that induced the Senate thus to draw the sword and throw away the scabbard, and they *ADHERED*. Notwithstanding the natural feeling was, when the bill came to the House, to *adhere* on their part, and that motion was actually made, yet so anxious was the House to save the bill that they did not adhere, neither did they recede; they insisted again, and asked of the Senate a conference, to which the Senate agreed, although at that time the hour was 12, in real time. That clock (pointing to the clock in the Hall) to be sure, so far as a clock could show, said it was not 12, but it was not possessed of the power of Joshua of old who commanded the sun and moon to stand still; old Time submitted to no such power, but moved along regardless of what was doing here. The committee of conference of the House went out, and that committee felt themselves constrained to consent to a reduction of 3,000,000 down to 800,000 dollars. Thus, sir, this hor-



rible conspiracy against the constitution melted down to a mere question of dollars and cents—whether the appropriation should be 3,000,000 or 800,000 dollars. The appropriation was made positive, instead of being contingent upon a necessity not certain to come, and it was confined to two objects of permanent ordinary appropriation, still leaving the possible contingent danger unprovided for. He had said, and believed, that the conferees on the part of the House had been constrained to accept this compromise for the purpose of saving the bill; but it was too late—when the conferees on the part of the House returned, that House was no more—it was a lifeless corpse. A friend and colleague of his, now in his eye, had indeed said it was the noisiest dead body that he had ever seen or heard of. That was true, yet it was nevertheless true, the House was *de facto* dead. The journal shows that from that time it was impossible to make a quorum. It was a few minutes before that, a large quorum was found. He said this, because, in the National Intelligencer, the exemplary assiduity of the members of the Senate, in the discharge of their duties, was invidiously contrasted with the insinuated neglect of the members of the House, where it was insinuated that business could not be done for want of a quorum. But why was the House found without a quorum? Because sixty or seventy members, conscientiously believing that they were no longer the representatives of the people, refused or forbore to answer to their names. Your journals will show that motion after motion was made to that effect. Many members declined answering on these grounds, and no motion was made to compel them to vote as by the rules of the House, had it still existed, there would have been. He was not one of those who believed that the session ended at midnight. In his opinion the two years duration of Congress was from the time of day at which the House commenced its session, say the hour of noon on the 4th of March. He believed that to be the true construction of the constitutional term of two years: but it was a constitutional question, and it was not for him to judge of the motives of men who conscientiously believed that the period of their political existence had expired. When the Cumberland road bill passed, the question was taken by yeas and nays, and the vote was 91 to 80, making 171 votes. There was a quorum voting, which showed that the House, at 12 o'clock, was doing business: but in ten minutes after that, no quorum could be found: not in consequence of their not being members present, but in consequence of their conscientious scruples. He recollects the instance of a gentleman from Georgia, (Mr. Gilmer,) a man as conscientious and as intelligent as any member of that or the present House, who, upon being called, refused to answer, and gave, as his reason, that he was no longer a representative of the people, and, immediately after the vote was taken, went out of the House at that door, and never returned. It was not, therefore, the want of a sufficient number of members present, but from the conscientious conviction of so large a number of the members as reduced the remainder to less than a quorum, that they had no right to vote on any thing in the House. After that took place, the committee of conference returned to the House, but no report was made, and what was the reason? Because there was no House. The roll was called, and no quorum was to be found.

He said that he did not consider the constitutional term of two years, assigned to the members of the House of Representatives, and the term of four years, during which the President of the United States holds his office, commences or expires at midnight. The services of two and of four years,

commenced running from the time when the members of the first Congress assembled, to commence the operations of this Government, under the constitution of the United States, which was on the fourth of March, 1789, at noon. The two years from that time expired, not on the third of March, 1791, at midnight, but on the fourth of March, at noon. The expiration of a year is not from noon to midnight, but from noon to noon. It is so, astronomically, by the law of nature. The time at which a day shall commence and terminate, is a matter altogether arbitrary and conventional. Some nations have, in their civil computation, commenced the day at sunrise, and some at sunset, some at midnight, and some at noon. Astronomers and navigators always reckon the day from noon to noon, and why should not the constitutional computation of time follow the same law which is the law of nature? The principle, once established, could be attended with no sort of inconvenience, whereas the computation from noon to midnight, must be subject once every two years to a solution of continuity for twelve hours by the non-existence of a House of Representatives, and once in every four years, to an interregnum or vacancy in the office of President of the United States: emergencies might easily be foreseen, perhaps even precontrived, in which either of those events would be attended with very great public inconvenience. Monarchical Governments are always guarded with the utmost possible care against every solution of continuity. Their kings never die. It would be a radical defect in every republican government not to be invested with the same official immortality, the office always filled, however frequently the individual incumbent may be changed. It was, therefore, my opinion that the house might have sat, transacting business, till noon of the fourth of March, and accordingly my name will be found and recorded on every taking of the yeas and nays until the adjournment, after it was announced that the Senate had adjourned.

Mr. A. said that was his opinion then, and he had then expressed it to the House, but it was not the opinion of a large number of members of the House. The members were in the House ready to vote, but in their opinion the time had passed. Now, whatever was doing at that time in the House might have been known to every member of the Senate, if they had seen fit to make the inquiry. It was perfectly known that after that time no quorum of the House could be found. No vote was taken. The House was *de facto* dead. But in that state of things, after the House was a lifeless corpse, the following message was sent from the Senate, which Mr. A. requested the clerk to read:

*Resolved*, That a message be sent to the honorable the House of Representatives, respectfully to remind the House of the report of the Committee of Conference, appointed on the disagreeing votes of the two Houses, on the amendment of the Senate to the bill respecting the fortifications of the United States."

Mr. A. appealed to the Speaker, as one of the oldest members of the House, and in his official capacity, as the guardian and vindicator of the honor of the House, whether, in his experience in the legislation of this country, he had any recollection of such a message having passed between the House of Representatives and Senate? A message reminding the House of their duty; reminding the House of what they had to do; reminding the House of the particular business which it was their duty to take up and act upon. He asked the oldest member in the House, whether he had any recollection of any such message having passed between the

House of Representatives and the Senate, he asked the youngest member, and paused for a reply. He heard none: and under these circumstances he took upon himself to say, that no such message was to be found on the journals of Congress since the foundation of the Government. Here was one branch of the Legislature turning the task-masters of the other. We read in holy writ of a judge of Israel who undertook to *teach* the men of Succoth, and it was by scourging them with the bricks of the wilderness. Since the days of Abimelech there has been no such teaching as this by the Senate to the House of Representatives of the United States.

He dwelt on this subject, because, if there was to be any such thing as harmony between the two Houses, in the discharge of their duty to the people of the country, he hoped that that message would stand as a solitary monument and warning never to be repeated. He hoped that such a message would never go from the House to the Senate. He hoped that the House would always be courteous enough to suppose that the Senate of the United States knew what was their duty, and would discharge it accordingly.

Mr. A. said that no such example existed on the journals of the House of Representatives, but he was aware that there had been instances of the kind in the parliament of Great Britain, and they were referred to in Mr. Jefferson's Manual as follows:

"When a bill is sent by one House to the other, and is neglected, they may send a message to remind them of it. But it will be more in attention it is better to have it done informally, by communications between the speakers or members of the two Houses."

From this it would be seen, that the only cases given in the Manual, were where the House *had neglected* to act on a bill: he had consulted all the cases in Hatsell and Gray, and others referred to by Mr. Jefferson in the Manual; and he found that the last instance adduced of that kind, even in the British parliament, was in 1721, one hundred and fifteen years ago, and in all the cases severally referred to, such messages never were sent; unless there was a violent misunderstanding between the two Houses, and when the neglect of the bill was extremely injurious. Such was the nature of the message, which he hoped never would be repeated in the intercourse between the two Houses of Congress. But, to complete the true character of that message, he must inquire at what time it was sent! It was sent at two o'clock in the morning. It was sent at a time when it was known, both in the House and the Senate, that no quorum was to be found. When that message was delivered, he must confess, if ever a feeling of shame and of indignation had filled his bosom, it was at that moment. He felt it as an insult to the immediate representatives of the people; and if it had been sent at a moment when the House yet existed, with the power to resent unprovoked insult, he verily believed, that, imitating the example of our Congress in a somewhat similar case, during the revolutionary war, he should have moved that a message be sent by two members of the House, to cast the Senate message on their floor, and tell them that it was not the custom of the House to receive *insolent* messages. It was, perhaps, well that he had no opportunity to give vent to those feelings. What were the feelings of the other members, it was not for him to say: and he did not know that he had ever communicated his own to any member of the House; for he saw that the insult was committed on a dead body—another Achilles, dragging around the walls of Troy his prostrate and lifeless foe!

It was said, sir, that there had been thrilling and unexampled eloquence of indignation at this conspiracy of man worship, servility, and corruption, displayed by the House of Representatives, in that appropriation of three millions for the contingent necessary defence of the country from foreign aggression; but I trust that I have already shown, to the satisfaction of this House, that all that eloquence was gratuitous, and all that indignation wastefully squandered away, some small portion of which might have been profitably expended upon the foreign treaty breakers, under whose injustice our own country was smarting. This indignation, and the temper with which it was manifested, by these repeated insults to the House, did strike me as so extraordinary, and I must add, so unreasonable, that it was impossible to avoid the inquiry, where the real sting of that three million appropriation did lay, and what it was that had excited this tempest of passion against it. And I thought the true motive was discernible in that unanimous vote of two hundred and seventeen ayes in the House, demanding that the execution of the treaty should be insisted on. That vote, however overlooked then, or now, had been neither unseen nor unfelt. It was not only a departure from the *do nothing* policy of the Senate, but might be felt to contain a pungent though tacit rebuke upon that paralytic policy. The three million appropriation was the complement and efficient energy of the unanimous vote of the preceding day. That vote was exclusively the act of the House. The appropriation required the concurring vote of the Senate, and that vote would have made the Senate the unwilling accessory to implied censure upon its own quietism under foreign wrong. The vote of the House could not be nullified, but its efficient operation might be unnerved by the refusal of the appropriation; and so the bloodless ghosts of Executive dictation, and man worship, and servility, were conjured up; and the overhearing arrogance of votes to adhere, and messages to remind, were substituted for the deficiency of better reasons for refusing the appropriation.

Great horror was manifested at the conspiracy and man worship of appropriating the three millions, and that was the source of the triumphant message to remind. Perhaps, technically speaking, the bill containing that appropriation did fail in the House; but if it did fail at all, it failed before the appointment of the committee of conference. Its death blow was the Senatorial vote to *adhere*. It failed, because it did please the Senate, in their wisdom and patriotism, to strike out that appropriation, and to cast away the whole fortification bill to exclude that single item. Between that day and the present, we have all had time to suffer our feelings to cool down. He had submitted in silence to the bad temper manifested on the part of the Senate. That bad temper was manifested not only to the President, but to the House of Representatives. If it had not been now renewed with a doubled vigor, and by the transcendent ability which belonged to those who lead the Senate, he would have remained silent for the sake of peace and harmony; but now, under such charges, enforced with all the arguments which nine or ten months of meditation could bring to minds of the highest order—when such charges went forth to the nation, accusing the House of Representatives of an unconstitutional conspiracy with the President on that bill, he could no longer remain silent. He therefore moved the resolution, so that the House might not trust entirely to the statement of facts which he had submitted to them, but that the committee might inquire and report to the House, what were the true causes and circumstances which produced the failure of the bill.





WERT BOOKBINDING

JAN 1989

Grantville, PA

